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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/691,368	10/18/2000	Henry S. Marek	15-XD-5475	3507

7590

05/18/2004

Ronald H. Spuhler  
McAndrews, Held & Malloy, Ltd.  
34th Floor  
500 W. Madison Street  
Chicago, IL 60661

EXAMINER

FLORES SANCHEZ, OMAR

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/691,368

**Applicant(s)**

MAREK ET AL.

**Examiner**

Omar Flores-Sánchez

**Art Unit**

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 8-28 is/are pending in the application.
- 4a) Of the above claim(s) 8-16 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27 and 28 is/are allowed.
- 6) ☒ Claim(s) 1, 3-4, 17-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is in response to applicant's amendment received on 03/01/04.

#### ***Specification***

2. The amendment filed 03/01/04 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: a non-twisting manner.

Applicant is required to cancel the new matter in the reply to this Office Action.

#### ***Claim Objections***

3. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 26 (page 6) has been renumbered 27 and claim 27 has been renumbered 28.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear what “a non-twisting manner” encompasses. Figure 4 illustrates a handle 270 applying a force in a twisting manner in claim 17.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over D. R. Corrado (2,534,756) in view of Pick et al. (3, 601, 296).

Corrado discloses the invention substantially as claimed including a handle 10, a slotted plate 13 having upper and lower panels, and a recess (Fig. 3). Corrado does not show a force gauge. However, Pick teaches the use of force gauge 91-92 for the purpose of permitting accurate control force applied to the workpiece. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Corrado's device by providing the force gauge as taught by Pick in order to permit accurate control force applied to the workpiece.

8. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over D. R. Corrado (2,534,756) in view of Pick et al. as applied to claim 1 above, and further in view of Kolycheck (5,574,104).

The modified device of Corrado discloses the invention substantially as claimed except for an electrostatic dissipative material. However, Kolycheck teaches the use of an electrostatic dissipative material for the purpose of controlling static charge buildup and dissipation. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Corrado's device by providing the an electrostatic dissipative material as taught by Kolycheck in order to obtain a total assembly environment to be constructed of partially conductive materials to control static charge buildup and dissipation.

9. Claims 18, 20 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox et al. (4,403,533) in view of Kolycheck (5,574,104) and Wilhite (6,050,167).

Cox discloses (Fig. 1-8) the invention substantially as claimed including a stage (36 or 138) having a plurality of channels (38 or 142), a gas/air (where air is mostly nitrogen) and a vacuum 146. Cox doesn't show an electrostatic dissipative material. However, Kolycheck teaches the use of an electrostatic dissipative material for the purpose of controlling static charge buildup and dissipation. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Cox's upper surface of the stage by providing the electrostatic dissipative material as taught by Kolycheck in order to obtain a total assembly environment to be constructed of partially conductive materials to control static charge buildup and dissipation.

Regarding locating pins, Wilhite teaches the use of pins 1d for the purpose of locating the work at a desired distance. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Cox's device by providing pins as taught by Wilhite in order to obtain a better accurate device to locate the work piece.

10. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cox et al. (4,403,533) in view of Kolycheck (5,574,104) and Wilhite (6,050,167) as applied to claim 18 above, and further in view of Turner (5,820,006).

Cox discloses (Fig. 1-8) the invention substantially as claimed except for a turntable. However, Turner teaches the use of a turntable 32 for the purpose of rotating to the desired position. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Cox's device by providing a stage having channels as taught by Turner in order to obtain a device to rotate the panel to the desired position.

11. Claims 21, 23-24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox et al. (4,403,533) in view of Kolycheck (5,574,104) and Wilhite (6,050,167) as applied to claim 18 above, and further in view of D. R. Corrado (2,534,756).

The modified device of Cox discloses (Fig. 1-8) the invention substantially as claimed except for a separating device having a handle, a slotted plate having upper and lower panels, and a recess. However, Corrado teaches the use of separating device having a handle 10, a slotted plate 13 having upper and lower panels, and a recess (Fig. 3) for the purpose of removing a small area of the glass. It would have been obvious to one having ordinary skill in the art at the

time the invention was made to have modified Cox's device by providing the separating device as taught by Corrado in order to obtain a device which will be simple in construction, inexpensive to manufacture and easy to manipulate.

Regarding the electrostatic dissipative material disposed in the slotted plate, Kolycheck teaches the use of the electrostatic dissipative material for the purpose of controlling static charge buildup and dissipation. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Corrado's separating device by providing the electrostatic dissipative material as taught by Kolycheck in order to obtain a total assembly environment to be constructed of partially conductive materials to control static charge buildup and dissipation.

12. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cox et al. (4,403,533) in view of Kolycheck (5,574,104), Wilhite (6,050,167) and D. R. Corrado (2,534,756) as applied to claims 18 and 21 above, and further in view of Pick et al. (3, 601, 296).

The modified device of Cox discloses the invention substantially as claimed except for a force gauge. However, Pick teaches the use of force gauge 91-92 for the purpose of permitting accurate control force applied to the workpiece. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Cox's device by providing the force gauge as taught by Pick in order to permit accurate control force applied to the workpiece.

***Allowable Subject Matter***

13. Claims 27-28 are allowed.

***Response to Arguments***

14. Applicant's arguments have been fully considered but they are not persuasive. Applicant argues that Corrado does not show "the force applied to the handle is applied in a downward direction" and "slotted plate". However, Corrado teaches the force applied to the handle is applied in a downward direction relative to the frame 25 (see Fig. 1), when the frame is the upward position. Also, Corrado teaches the slotted plate similar to claimed invention.

***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Berry and Gerber are cited to show related device.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 703-308-0167. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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May 17, 2004



KENNETH E. PETERSON  
PRIMARY EXAMINER